

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

INTEGRATIVE HEALTH INSTITUTE
PLLC, *et al.*,

Plaintiffs,

v.

CHRISTINE SCHAFFNER, *et al.*,

Defendants.

Case No. C20-1471-RAJ-MLP

ORDER

This matter comes before the Court on the parties' discovery motions as identified in the parties' letters to the Court on April 1, 2022 and April 4, 2022.¹ (Dkt. ## 165-167.) For the reasons previously stated on the record by the Court at the April 8, 2022 hearing (dkt. # 176), the Court provides the following summary of its rulings:

(1) Defendants' Motions to Compel (dkt. ## 165-166) are GRANTED in part, and DENIED in part, as follows:

¹ This Court previously directed that the parties, prior to filing any additional discovery motions, draft a letter documenting any requests for discovery motions. (Dkt. # 140 at 6.)

- 1 a. Defendants’ Motion to Compel Interrogatories Nos. 6 and 9 in Dr.
2 Christine Schaffner’s (“Dr. Schaffner”) First Discovery Requests to
3 Sophia Health Institute (“SHI”) are GRANTED:
- 4 i. Plaintiffs must supplement their response to Interrogatory No. 6 by
5 **April 22, 2022**, with a list of patient names that includes the full
6 name of the patients, without redaction, subject to the protective
7 order previously entered in this matter (*see* dkt. # 68).
- 8 ii. Plaintiffs must supplement their response to Interrogatory No. 9 by
9 **April 22, 2022**, with more detail regarding the generalized
10 categories of training, educational materials, treatment types and
11 business, and financial accounting previously provided to
12 Defendants.
- 13 b. Defendants’ Motion to Compel Interrogatory No. 11 in Dr. Schaffner’s
14 First Discovery Requests to SHI is DENIED.
- 15 c. Defendants’ Motion to Compel Interrogatories Nos. 14, 16, and 18 in Dr.
16 Schaffner’s Second Discovery Requests to Dr. Dietrich Klinghardt (“Dr.
17 Klinghardt”) are GRANTED. Plaintiffs must supplement their response to
18 reflect Dr. Klinghardt’s answers from the April 8, 2022 hearing by **April**
19 **22, 2022**.
- 20 d. Defendants’ Motion to Compel Interrogatories Nos. 15 and 20 in Dr.
21 Schaffner’s Second Discovery Requests to Dr. Klinghardt are GRANTED.
22 Plaintiffs must supplement their response to include more specificity and
23

1 detail concerning the trade secrets, intellectual property, and trademarks
2 by **April 22, 2022**.

3 e. Defendants' Motion to Compel Interrogatory No. 22 in Dr. Schaffner's
4 Second Discovery Requests to Dr. Klinghardt is DENIED.

5 f. Defendants' Motion to Compel Interrogatory No. 23 in Dr. Schaffner's
6 Second Discovery Requests to Dr. Klinghardt is DENIED as moot.
7 However, Plaintiffs will supplement to correct the typographical error by
8 **April 22, 2022**.

9 g. Defendants' Motion to Compel Request for Production No. 20 in Dr.
10 Schaffner's Second Discovery Requests to Dr. Klinghardt is GRANTED
11 in part and DENIED in part. Plaintiffs must supplement Interrogatory No.
12 18 to reflect Dr. Klinghardt's answers from the April 8, 2022 hearing by
13 **April 22, 2022**. Defendant's Motion to Compel Request for Production
14 No. 20 is otherwise DENIED.

15 h. Defendants' Motion to Reopen the Deposition of Daniela Deiosso is
16 GRANTED. Defendants must properly subpoena Ms. Deiosso to proceed
17 with the deposition.

18 i. The Court GRANTS Defendants leave to file a motion to reopen the
19 deposition of Dr. Klinghardt. Defendant's Motion will be heard on a
20 second Friday briefing schedule (pursuant to Local Civil Rule 7(d)(2)) and
21 should be noted for the Court's consideration on **April 29, 2022**.
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j. Defendants' Motion to Compel Request for Production No. 1 to SHI is GRANTED. Plaintiffs must supplement their production of communications with former SHI employees by **April 22, 2022**.

k. **Dr. Klinghardt's Emails & Text Messages:** At the April 8, 2022 hearing, Dr. Klinghardt represented that he has not been in possession of his phone since on or about March 2021 because it was traded in, or otherwise surrendered, to an Apple store. **As a result, the Court finds that there is nothing that can be done at this time on Defendants' requests regarding Dr. Klinghardt's previous phone.** Nevertheless, the Court ORDERS that Dr. Klinghardt's new and/or current phone's emails and text messages be searched for responsive communications and documentation pursuant to the ESI Agreement (dkt. # 164) and that this search be confirmed by his counsel.

l. Defendants' Motion to Compel Missing Documentation Identified in SHI's Fed. R. Civ. P. 30(b)(6) Deposition is GRANTED in part, and DENIED in part, as follows:

i. Defendants' Motion to Compel is GRANTED with respect to any notes from meetings between Dr. Schaffner and Dr. Klinghardt. Plaintiffs are directed to provide this documentation to Defendants by **April 22, 2022**.

ii. Defendants' Motion to Compel is DENIED with respect to Kristin Gotch's LinkedIn page and any documents reflecting that Dr.

Schaffner directed people to solicit practitioners away from SHI and/or Dr. Klinghardt.

(2) Plaintiffs' Motions to Compel (dkt. # 167) are GRANTED in part and DENIED in part as follows:

- a. Plaintiffs' Motion to Compel re: Subpoena to Immanence Ipothecary is GRANTED. Defendants must supplement production to include the B&O tax returns by **April 22, 2022**. Defendants will further provide production of marketing and advertising materials of products sold on Immanence's website that are similar to SHI products upon receipt of a list of such products from Plaintiffs.
- b. Plaintiffs' Motion to Compel re: Dr. Klinghardt's Second Set of Requests for Production to Dr. Schaffner is DENIED as moot.
- c. Plaintiffs' Motion to Compel re: Dr. Klinghardt's Third Set of Requests for Production is DENIED. Ms. Faryabi and Ms. Demmon are directed to meet and confer, and to come to an agreement over the missed search terms. *See* LCR 26(f)(1)(J) and (f)(3).
- d. Plaintiffs' Motion to Compel re: SHI's Request for Production to Daniel Schaffner is DEFERRED at this time. Ms. Faryabi and Mr. Olson are directed to meet and confer, and to come to an agreement over the search terms for Mr. Schaffner's emails. *See* LCR 26(f)(1)(J) and (f)(3). The Court will reserve ruling on this motion until this search has been completed.

1 Dated this 11th day of April, 2022.

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3 MICHELLE L. PETERSON
4 United States Magistrate Judge